

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, No. 2 DELHI**

D-2/24/2025

M/s MAC Exports vs. APFC/RPFC, Gurugram.

Present: Sh. Harsh Singhal, Ld. Counsel for the appellant.
Sh. B.B. Pradhan, Ld. Counsel alongwith Sh. Lalit Kumar, AR for
the respondent.

Order dated- 07.04.2026

ORAL-

1. This order shall dispose of an application filed by the appellant **under Section 5 of the Limitation Act, 1963** for condonation of delay in filing the appeal. The reason given by the Appellant is that he had no knowledge of the impugned order being passed and received a copy of the impugned order only on 27.10.2025. As soon as he has come to know of the said order, he acted with due diligence and filed the present appeal without any further delay.

2. Per contra, respondent has filed a reply to the application along with an affidavit. Respondent has stated that application under section 5 of the Limitation Act is not applicable/maintainable for filing the appeal under section 7-I of EMP & MP Act, 1952. Appellant has not explained how many days delayed for filing the present appeal, which shows that the appellant is playing foul play to mislead the Hon'ble Tribunal. Further, he has described the rule 7(2) to the EPFAT/CGIT (Procedure) Rules 1997, wherein a period of sixty days has been prescribed. He submitted that application be dismissed.

3. I have heard the arguments at bar and gone through the record of this case. Before proceeding further, provision of **under rule 7(2) read with**

rule 21 of the Tribunal (Procedure) rules, 1997 is required to be reproduced herein:

(2) Any person aggrieved by a notification issued by the Central Government or an order passed by the Central Government or any other authority under the Act, may within 60 days from the date of issue of the notification/order, prefer an appeal to the Tribunal. Provided that the Tribunal may if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the prescribed period, extend the said period by a further period of 60 days.

Provided further that no appeal by the employer shall be entertained by the Tribunal unless he has deposited with the Tribunal a Demand Draft payable in the Fund and bearing 75% of the amount due from him as determined under Section 7-A. Provided also that the Tribunal may for reasons to be recorded in writing, waive or reduce the amount to be deposited under Section 7-O.

4. From the perusal of the above said rule, it appears that appeal shall be filed within sixty days from the date of issue of the notification/order. Further, this Tribunal is empowered to condone a delay for an additional 60 days, if the appellant is able to demonstrate the sufficient reason that prevented him from filing the appeal.
5. Here, the appellant has stated that he has not been informed about the said order being passed on 05.08.2024.
6. In the impugned order, EO himself has stated that he has visited the above said premise on 01.08.2024 and found that no such establishment existed at that address. He met Security Guard Vinod, who informed him that the establishment M/s Mac Exports India had got existed on this plot


two to three years ago. Currently, some other establishment is running on this plot.

7. Trial Court record produced by the respondent does not have any order sheet after 23.08.2023 and the case was adjourned to 14.09.2023. Thereafter, there are several PUCs. On the last PUC dated 22.12.2023, Sh. Gurdir Kaur, Assistant Commissioner mentioned that there is a serious lapse on the part of DA & SS in this regard. It seems that they are either not aware of their job profile and duties or are simply trying to avoid the same. He further directed that all the reports submitted by the EO shall first be examined by the DA & SS; however, the order was passed thereafter. Only the barcode has been affixed therein for proving of sending the order. No register AD receipts has been affixed. Even, the said order is alleged to have been sent to the old address, which was not in existence at the time of visiting of the EO. Therefore, it is highly probable that the order was never sent.

8. It is the routine practice adopted by the respondent to hide the order from the appellant and then send the recovery notice to the bank, attaching his property, which is highly deplorable.

9. In these circumstances, this Tribunal has no option except to believe that the order was received only on 27.08.2025. The appeal is found to be within limitation if the period is counted from the date of knowledge of the order. Therefore, application in hand stands allowed.

Let the matter be fixed for argument on the application under section 7(O) on 28.04.2026.



Atul Kumar Garg
(Presiding Officer)